

REMARKS

The following remarks are submitted to address the above amendments and issues raised in the Official Action mailed December 1, 2006.

A Request for Extension of Time to extend the period for responding to this Office Action to June 1, 2007, is filed herewith.

Upon entry of the foregoing amendments, claims 1, 3, 5, 7-10, 12, 14, and 16-36 are now pending in this application. Claims 1, 3, 5, 7-10, 12, 14, 16, 17, 19-23, 28-29, and 32-34 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24, 31, and 35 of copending Application No. 10/682,570. Claims 18, 24-27, 30, 31, 35, and 36 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No new matter has been added. Support for requested amendments can be found in the original claims and throughout the present specification and drawings. Applicant respectfully requests consideration of the application in light of the above amendments and the following remarks.

Interview Summary

The undersigned conducted an interview with Examiner Lopez on December 13, 2006. Applicant thanks Examiner Lopez for this interview. The substance of the interview is as follows: The purpose of the interview was to clarify the status of claims 18, 24-27, 30, 31, 35, and 36. The Examiner noted that claims 18, 24-27, 30, 31, 35, and 36 were being objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 3, 5, 7-10, 12, 14, 16, 17, 19-23, 28-29, and 32-34 – Double Patenting

The provisional rejections of claims 1, 3, 5, 7-10, 12, 14, 16, 17, 19-23, 28-29, and 32-34 on the ground of nonstatutory obviousness-type double patenting are respectfully traversed.

The Official Action states that claims 1, 3, 5, 7-10, 12, 14, 16, 17, 19-23, 28-29, and 32-34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24, 31, and 35 of copending Application No. 10/682,570. The Official Action states that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. (Official Action, pp. 2-3.)

Applicant submits herewith a “terminal disclaimer” relating to the provisional double patent rejections of claims 1, 3, 5, 7-10, 12, 14, 16, 17, 19-23, 28-29, and 32-34 as being unpatentable over claims 24, 31, and 35 of copending Application No. 10/682,570. Therefore, the provisional rejections of 1, 3, 5, 7-10, 12, 14, 16, 17, 19-23, 28-29, and 32-34 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24, 31, and 35 of copending Application No. 10/682,570 have been obviated.

For all of these reasons, the Office is respectfully requested to withdraw the provisional rejections of claims 1, 3, 5, 7-10, 12, 14, 16, 17, 19-23, 28-29, and 32-34 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24, 31, and 35 of copending Application No. 10/682,570.

Claims 18, 24-27, 30, 31, 35, and 36 – Allowable Subject Matter

The rejections of claims 18, 24-27, 30, 31, 35, and 36 as being dependent upon a rejected base claim are respectfully traversed.

In the interview on December 13, 2006, the Examiner noted that claims 18, 24-27, 30, 31, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 18, 24-27, 30, 31, 35, and 36 have been rewritten herein in independent form including all of the limitations of the base claim and any intervening claims. As a result, Applicant respectfully submits that claims 18, 24-27, 30, 31, 35, and 36 should be allowed.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 18, 24-27, 30, 31, 35, and 36, as being dependent upon a rejected base claim.

CONCLUSION

Applicant submits that a full and complete response has been made herein to the Official Action and, as such, all pending claims in this application are now in condition for allowance. Therefore, Applicant respectfully requests early consideration of the present application, entry of all amendments herein requested, withdrawal of all rejections and objections, and allowance of all pending claims.

The Office is respectfully invited to contact J. Michael Boggs at (336) 747-7536, to discuss any matter relating to this application.

Respectfully submitted,

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Date


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